

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MELVIN MAURICE ECHOLS, Jr.,

Plaintiff,

-vs-

Case No. 15-C-1094

**PFERD ADVANCE BRUSH, Co. and
UNITED STEELWORKERS LOCAL 9040-1,**

Defendants.

DECISION AND ORDER

The *pro se* plaintiff, Melvin Maurice Echols, alleges that he was harassed by his supervisors at Pferd Advance Brush, Co. and eventually fired. Read liberally, Echols states an actionable claim for unlawful employment discrimination against Pferd under Title VII. 28 U.S.C. § 1915(e)(2). However, the complaint fails to state a plausible claim against the United Steelworkers. The complaint makes a vague reference to the presence of a “union rep” when Echols was terminated, but Echols does not plausibly allege that the union somehow breached its duty of fair representation under the Labor Management Relations Act. *See Filippo v. N. Ind. Public Serv. Corp., Inc.*, 141 F.3d 744, 748 (7th Cir. 1998) (“A union breaches its duty of fair representation when its actions are arbitrary, discriminatory, or in bad faith”); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)

("A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged"). Therefore, Echols' claim can proceed against Pferd, but the claim against the United Steelworkers must be dismissed for failure to state a claim.

Moreover, Echols' financial affidavit reveals that he is unable to afford the filing fee to commence this action. Therefore, Echols' motion for leave to proceed *in forma pauperis* [ECF No. 2] is **GRANTED**.

Accordingly, **IT IS HEREBY ORDERED THAT** the United States Marshals Service shall serve a copy of the complaint, the summons, and this order upon Pferd Advance Brush, located at 9201 W. Heather Avenue, Milwaukee, Wisconsin. The plaintiff is advised that Congress requires the Marshals Service to charge for making or attempting to make such service. 28 U.S.C. § 1921(b). Current fees are listed at 28 C.F.R. § 0.114(a).

Dated at Milwaukee, Wisconsin, this 10th day of September, 2015.

SO ORDERED:



HON. RUDOLPH T. RANDA
U.S. District Judge